

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt.Rathikanti Sailatha D/o Nageswara Rao W/o Vade Prasad R/o Ankampalem village of Dammapeta Mandal, Khammam District under Section 7(2) of the Act 16 of 1993, against the orders of the District Collector, Khammam issued in Proceedings Rc.No.D3-19/2011, dated 14.05.2012 – Appeal Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 19

Dated: 17-06-2023.
Read the following:-

1. Proceedings Rc.No.D3-19/2011, dated 14.05.2012 of the Collector & District Magistrate, Khammam District.
2. Appeal Petition filed by Smt.Rathikanti Sailatha D/o Nageswara Rao W/o Vade Prasad, Occ:Junior Assistant O/o.ZPHS, Adasarlapadu, Vemsur Mandal, R/o Ankampalem village of Dammapeta Mandal, Khammam District, dated 13.07.2012.
3. Govt. Memo.No.9598/CV.2/2012-1, dated 18.07.2012.
4. From the District Collector, Khammam, letter No.D3/3808/ 2005, dated 16.02.2013.
5. D.O.letter No.9598/CV.2/2012, dated 15.03.2013.
6. From the District Collector, Khammam, letter No.D3/19/ 2011, dated 06.04.2013.
7. Govt. Notice No.9598/TW.LTR.2/2012, dated 12.07.2016, 12.09.2016, 15.10.2016, 28.01.2017 and 17.04.2017.
8. Govt. Memo.No.9598/TW.LTR/2012, dated 16.09.2016 and 02.04.2019.
9. From the CTW, TS, Hyderabad, letter Rc.No.1170/2016/TRI/ TSV-VC7, dated 03.07.2017 & 09.04.2019.
10. Govt. Notice No.9598/TW.LTR.2/2012, dated 19.07.2019 and 21.09.2020.

ORDER:-

1. In the reference 1st read above, the Collector & District Magistrate, Khammam had cancelled the ST (Koya) Caste Certificates 1) R.Dis. No.C/2027/1995, dated 12.09.1995 and 2) R.Dis.No.D2/2175/2004, dated 09.07.2004 issued to the Appellant Smt.Rathikanti Sailatha D/o Nageswara Rao W/o Vade Prasad, Occ:Junior Assistant O/o.ZPHS, Adasarlapadu, Vemsur Mandal, Khammam District, by the Mandal Revenue Officer, Dammapeta. The gist of the findings is as under:

- Sri A.Ramanadham R/o Burhanpuram, Khammam has represented that Smt.Rathikanti Sailatha D/o.Nageswara Rao, Junior Asst. ZPSS Adsarlapadu village of Vemsoor Mandal has obtained false caste certificate KOYA (ST) instead of her VYSYA (OC) caste and got appointment as Junior Assistant, ZPSS, Adsarlapadu claiming her caste as ST KOYA.
- The Commissioner of Tribal Welfare, AP, Hyderabad has also forwarded the petition of Adviasi Udyoga Samkshema Sangham, AP Hyderabad stating that Smt.Rathikanti.Sailatha D/o.Nageswara Rao got job as Junior Assistant in ZPSS Adsarlapadu of Vemsoor Mandal in Khammam District under ST quota by producing fake/false ST caste certificate and she does not belong to Scheduled Tribe.
- When the matter was referred to Revenue Divisional Officer, Palvancha for verification and for reporting social status of Smt.Rathikanti Sailatha, the RDO has submitted that Sri Rathikanti Nageswara Rao and his wife Rathikanti Subbalakshmi is having a daughter namely Sailtha who belongs to "Vysya" (OC) caste. Smt.Rathikanti Sailatha has married Vade Prasad (ST) R/o Ankampalem before the Sub-Registrar, Sathupalli. She obtained ST Koya Certificate by using surname of her husband vide Tahsildar, Dammapeta certificate R.Dis.No.C/2027/95, dated 12.09.95 and

(Contd...2)

R.Dis.No.D1/2175/04, dated 9.7.2004 by misguiding the officers (by misrepresenting the prevailing facts). The RDO further reported that her parents passed away in her childhood. Sri Kondru Sriramulu, a tribal of that habitation said to have brought her up. She completed education 1st to 4th class in Tribal Ashram School, Ankampalem and Intermediate in Pratibha College, Khammam and married Vade Prasad who is paternal nephew of Kondru Sriramulu belongs to ST. She gave birth to one male child and one female child. She was selected as Junior Assistant through APPSC Group IV examination conducted on 1.8.1996 and joined as Junior Assistant in MPDO's Office, Mulkalapally under ST category, but her father belongs to Vysya OC caste. She obtained ST caste certificate by using surname of her husband Vade Prasad. She accepted that her father and mother belong to Vysya (OC) community.

- Enquiry was taken up by DLSC wherein she submitted reply that she was brought by Sri Kondru Sriramulu (former ZP Chairman) and married his grandson Vade Prasad. She got job as Junior Assistant through APPSC Group IV service under SC/ST backlog vacancies and already served for (16) years. Her husband has no job and has 2 children to be looked after them – as there is no other source of income to ease her livelihood, requested to drop the matter.
- Enquiry proved that she belongs to Vysya OC caste but obtained ST Koya caste certificate using surname of her husband after her marriage.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Hyderabad in the reference 1st read above, the Appellant Smt.Rathikanti Sailatha D/o Nageswara Rao W/o Vade Prasad, Occ:Junior Assistant O/o.ZPHS, Adasarlpadu, Vemsur Mandal, Khammam District, has filed the Appeal under Section 7 of the Act 16/1993 before the Government on 13.07.2012 vide reference 2nd read above.

3. In the reference 3rd read above, Government have admitted the appeal petition and granted stay on the orders of the Collector & District Magistrate, Khammam and also requested the District Collector, Khammam to furnish the case records along with para-wise remarks to Government. Accordingly, the Collector & District Magistrate, Khammam has furnished the para wise remarks and record connected file bearing Rc.No.D/19/2011 to Government vide references 4th and 6th read above.

4. In the reference 7th read above, notice was issued to the appellant & all other concerned to attend the hearing on 16.07.2016 in the Government. The appellant failed to attend the hearing. The TCR&TI, was ordered to conduct enquiry and submit the genealogical and ethnography report in the case vide reference 8th read above. The appellant attended the enquiry before the TCR&TI on 8-5-2017 and furnished the genealogical and ethnography information to substantiate her claim. In the reference 9th read above the TCR&TI submitted their report to Government stating that the claim of the appellant as KOYA ST status is invalid.

5. In the references 7th and 10th read above, further notices were issued to the appellant and all other concerned to attend for the hearing on 24.09.2016, 19.11.2016, 04.03.2017, 06.05.2017, 03.08.2019 & 29.09.2020. The Appellant and her counsel present. Prayed for one month time for submission of written arguments. Time granted. Submitted written arguments on 05.11.2020.

6. The Government have examined the evidences available on record of the Collector & District Magistrate, Khammam, Appeal petition and written arguments of the Appellant Smt.Rathikanti Sailatha D/o Nageswara Rao W/o Vade Prasad, Occ:Junior Assistant O/o.ZPHS, Adasarlpadu, Vemsur Mandal, Khammam District, the Appellant herself admitted that she obtained ST Koya Caste Certificate after her marriage with Sri Vade Prasad who belongs to ST Koya community.

7. As per the guidelines issued by the Government of India, Ministry of Home Affairs – for issue of Scheduled Caste and Scheduled Tribe Certificates points to be

(Contd...3)

observed as communicated in the enclosure to the Lr.No.35/1/72-R.U (SCT-V), dated 2nd May, 1975 addressed to the Chief Secretaries of all State Governments and Union Territory Administration, New Delhi-110 001, dated 2nd May, 1975 under "3. Claims through marriage – The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe merely because he or she married a person belonging to a Scheduled Caste or a Scheduled Tribe. Similarly, a person who is a member of Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe".

8. The Hon'ble Supreme Court in its judgement in CA Nos.4413-4414 of 2003, dated 28.01.2005 clearly held that the reservation would benefit only to those who belong to Scheduled Caste or Scheduled Tribe and not those who claim to acquire the status by marriage.

9. Therefore, the appeal filed by Smt.Rathikanti Sailatha D/o.Nageswara Rao W/o.Vade Prasad of Khammam district do not find any valid reason to hold the case any longer as the Appellant herself admitted that she obtained ST Koya caste certificate after her marriage with Sri Vade Prasad belongs to ST Koya community, and accordingly the Appeal is DISMISSED duly upholding orders of the Collector & District Magistrate, Khammam in Procs.Rc.No.D3-19/2011, dated 14.05.2012.

10. The Collector and District Magistrate, Khammam/Bhadradi Kothagudem Districts shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Khammam /Bhadradi Kothagudem
Districts (By RPAD)

Smt.Rathikanti Sailatha D/o Nageswara Rao W/o Vade Prasad, Occ:Junior Assistant
O/o.ZPHS, Adasarlpadu, Vemsur Mandal, R/o Ankampalem village of
Dammapeta Mandal, Khammam District, (By RPAD)

Copy to:-

Sri M.Srinivasa Rao, M.Anjaneya Prasad, (Advocate),
Flat No.508, Ganga Hospital, Chaithanyapuri, Hyderabad.-60 (BY RPAD)
The Tahsildar, Dammapeta Mandal, Khammam district.
(Serve the copy to the appellant).
The Director, TCR&TI, TS, Hyderabad.
The P.S. to Minister for ST Welfare.
The PS to Secretary to Govt. (TW)
The PA to Special Secretary to Govt.(TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER.